

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Docket No. 482 MD 2022

TOM WOLF,
Governor of the Commonwealth of Pennsylvania, and
LEIGH M. CHAPMAN,
Acting Secretary of the Commonwealth of Pennsylvania
Petitioners,

v.

GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA,
Respondent.

**BRIEF OF AMICI CURIAE THE LEAGUE OF WOMEN VOTERS
OF PENNSYLVANIA, SAJDA ADAM, AND SIMONE ROBERTS**

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STATEMENT OF INTEREST OF *AMICI CURIAE*

For more than 100 years, the League of Women Voters of Pennsylvania (the “League”), a nonpartisan political organization, has encouraged an informed, empowered citizenry and a responsible, responsive government. The League promotes political responsibility through informed and active participation in government and acts on selected public issues. It impacts public policies, promotes citizen education, and helps make democracy work by, among other things, removing unnecessary barriers to full enfranchisement and participation in the electoral process. The League has pursued legal action on behalf of Pennsylvania voters to achieve these goals.

The League is nonpartisan, but it always takes a stand on issues its members have studied, including voting and election reforms, criminal justice reform, fair funding for education protection, and more. The League represents, and has as members, constituents throughout the Commonwealth who are currently eligible voters. The League is, therefore, particularly well-situated to advance and protect their voting interests in Pennsylvania elections.

Sajda Adam is a Pennsylvania citizen and qualified elector currently attending school at Drexel University in Philadelphia. Ms. Adam is 19 years old. In reading the published proposed amendments in Senate Bill 106 (“SB 106”), Ms. Adam interprets the section regarding residency to mean that she would need to reside in

her election district 60 days prior to the election instead of 30. Because SB 106's new subsection (B) includes the language "in addition to," it also appears that the amendment is confirming that 21 years would be the age required by the Pennsylvania Constitution to vote. Ms. Adam is confused about whether those age and durational residency requirements are intended to be changed or *are* going to be changed by SB 106.

Simone Roberts is a Pennsylvania citizen and qualified elector currently attending school at Susquehanna University in Snyder County. Ms. Roberts has no way of knowing how her State Senator or Representative voted or would have voted on the voting age and residency language in the proposed amendment to Article VII, § 1 of the Pennsylvania Constitution, and is unclear about the intent and effect of proposed amendment. As a 19-year-old resident of Pennsylvania, Ms. Roberts would not vote for a legislator who voted in favor of eliminating her right to vote until she turns 21 or who would vote to lengthen the residency requirements beyond 30 days.

INTRODUCTION & SUMMARY OF THE ARGUMENT

In the dead of night, barely two weeks after the Supreme Court overruled *Roe v. Wade* and its progeny, the General Assembly hastily enacted SB 106, a purported first step to putting multiple constitutional amendments on the ballot. In one stroke, the General Assembly approved a veritable grab bag of amendments limiting voting

rights and eviscerating reproductive rights under the Pennsylvania Constitution. This unprecedented and, as explained below, unconstitutional feat was accomplished without hearings or meaningful debate. SB 106 is constitutionally defective, in form and substance, and must be declared invalid and set aside.

First, SB 106 was enacted in violation of the strict requirements of Article XI, § 1 of the Pennsylvania Constitution, which sets forth the process the General Assembly must follow to initiate a constitutional amendment. Per that provision, the General Assembly must enact a proposed amendment in each of two consecutive sessions, broken up by a general election. The “yeas and nays” for each proposed amendment must be recorded and published. PA. CONST. art. XI, § 1. This ensures that voters know their representative’s position on an amendment and can factor that in during the intervening general election “at which a change might be made as to the representative who would next vote on the amendments.” *See Bergdoll v. Pennsylvania*, 858 A.2d 185, 200 (Pa. Commw. Ct. 2004) (citations omitted). As this Court has made clear, “nothing short of literal compliance” with these requirements “will suffice.” *Id.* at 193 (citations omitted).

The General Assembly did not comply with Article XI, § 1 when it enacted SB 106. It did not vote on each proposed amendment separately or record the “yeas” and “nays” on each. The General Assembly bundled multiple amendments in a single resolution, SB 106, and put the bundle as a whole up for a single “yea” or

“nay” vote. This failure of literal compliance with Article XI, § 1 deprived voters of knowing where their representatives stand on each amendment—information the Pennsylvania Constitution deems material to an informed electorate—when they cast their ballots earlier this week, on November 8, 2022. This procedural defect and its real-world impact on the intervening general election are cause enough to invalidate SB 106.

Second, SB 106 is substantively unconstitutional because it violates the Twenty-Sixth and Fourteenth Amendments to the U.S. Constitution, as well as the Free and Equal Elections Clause of the Pennsylvania Constitution. Via SB 106, the General Assembly proposes amendments that maintain an outdated and unenforceable *minimum voting age of 21 years*, even though the Twenty-Sixth Amendment prohibits age-related restrictions on the right to vote for citizens who are at least 18 years old. And via SB 106, the General Assembly doubles down on unconstitutional durational residency language that limits the right to vote with a *90-day residency requirement*, even though the U.S. Supreme Court has held durational residency requirements greater than 30 days violate the Equal Protection Clause of the Fourteenth Amendment. These unconstitutional aspects of SB 106 have also confused voters, especially young voters, interfering with their “free exercise of the right of suffrage” in violation of the Free and Equal Elections Clause of the Pennsylvania Constitution. PA. CONST. art. I, § 5.

Finally, SB 106 not only contains five enumerated amendments in a single package; one of the five is *two* proposed amendments masquerading as one. The compound amendment, added hours before the late-night vote on SB 106, concerns abortion. Specifically, the General Assembly seeks to amend the Pennsylvania Constitution to state that there is no state constitutional right to *taxpayer-funded* abortion and to strip Pennsylvanians of “any other right relating to abortion.” This compound amendment violates Article XI, § 1 in the same way that SB 106 as a whole violates Article XI, § 1—the legislators’ votes for its constituent parts were not separately recorded.

Amici urge the Court to invalidate SB 106 without delay. The General Assembly can’t cure these defects by making changes to a second vote in the upcoming session without starting the constitutionally mandated process anew. Specifically, the General Assembly can’t separate out the amendments and vote on them separately or omit the facially unconstitutional voting age and durational residency provisions of the bill, and count that as the second vote required under Article XI, § 1. For Article XI, § 1 does not permit variations in the amendments between the first and second votes. SB 106’s defects are thus incurable, fatal, and ripe for review.

BACKGROUND

In 2021, frustrated by executive vetoes, the General Assembly considered various versions of SB 106, but nothing came of it. The General Assembly didn't revive SB 106 until July 7, 2022, shortly after the decision in *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022), came down. To evade another executive veto, the Republican-controlled Senate proposed an amendment to SB 106, which would add the following language to the Pennsylvania Constitution: "This Constitution does not grant the right to taxpayer-funded abortion or any other right relating to abortion."

As amended, SB 106 was considered and voted on by the General Assembly in irregular fashion. Late at night on July 7, without public notice or prior public hearing, the Senate Rules and Executive Nominations Committee called for a vote on the amended SB 106. The Committee refused to *entertain* motions to amend the resolution, approving a motion by party-line vote to suspend all amendments.

A day later, and during another late-night session, on July 8, 2022, the House and Senate voted to enact the amended version of SB 106, which contains five enumerated constitutional amendments:

- an amendment to eliminate any right to taxpayer funded abortion and any other abortion-related right;

- an amendment to add proof of identification to elector qualifications, but which also maintains outdated language declaring the minimum voting age is 21 years and that citizens must have resided in Pennsylvania for at least 90 days to be eligible to vote;
- an amendment changing the process of choosing the Lieutenant Governor and the Lieutenant Governor’s role;
- an amendment expanding the types of legislation that are exempt from the Governor’s veto power; and
- an amendment to require election audits.¹

Legislators voted “yea” or “nay” on SB 106 as a whole, not on the individual amendments. And instead of conforming the outdated age and residency language to federal law and the U.S. Constitution—as the General Assembly in fact had attempted to do months earlier²—it re-committed to the confusing and facially

¹ *Amici* agree with and fully support the arguments concerning the General Assembly’s proposed constitutional amendment requiring election audits, as set forth in the Brief of *Amicus Curiae*, Pennsylvania Budget and Policy Center, in Support of Petitioners.

² Among other things, the December 14, 2021 version of SB 106 attempted to conform the Pennsylvania Constitution’s outdated and unenforceable voter age and residency requirements set forth in Article VII, §1. *See* S.B. 106, P.N. 1279 (Exhibit A) at 3:26-4:20 (2021). In doing so, the then-proposed amendment changed the minimum voting age of 21 to 18 years or older to comply with the Twenty-Sixth Amendment to the U.S. Constitution and changed the durational residency requirements of 90 days in the Commonwealth and 60 days in the election district to 30 days to comply with the Fourteenth Amendment and federal law outlawing durational residency requirements in elections for president and vice president.

unconstitutional voter-age and residency language that ultimately appears in SB 106 and has since been published across the Commonwealth. The very language of SB 106 makes clear that these changes were intentional: newly added subsection (B) explicitly acknowledges that “*in addition* to the qualifications under subsection (A)”—i.e., a minimum voting age of 21 and the 90-day durational residency requirement—an elector must also meet the requirements under subsection (B). SB 106, P.N. 1857 (Exhibit B) at 4:16-19 (emphasis added).

SB 106 created real confusion among voters leading up to the November 8, 2022 election, especially young voters. (As of June 2021, there were 508,650 Pennsylvanians aged 18–20,³ and another 640,564 future voters aged 14–17⁴). Indeed, the very act of the publication of SB 106 by the Secretary of the Commonwealth, as required by Article XI, § 1 of the Pennsylvania Constitution, was in and of itself an act of misinformation that will continue to confuse voters about voting age and residency requirements. To be sure, the Secretary of the

Indeed, Representative Wheeland noted that, at least with regard to age, these changes were simple edits included to conform the outdated language in the Pennsylvania Constitution to current federal standards. *See* Commonwealth of Pennsylvania Legislative Journal, No. 64, House of Representatives, at 1663 (<https://www.legis.state.pa.us/WU01/LI/HJ/2021/0/20211214.pdf>) (last accessed Nov. 10, 2022).

³ *State Population by Characteristics: 2020-2021*, UNITED CENSUS BUREAU, <https://www.census.gov/data/tables/time-series/demo/popest/2020s-state-detail.html>.

⁴ *Id.*

Commonwealth has an opportunity to formulate the ballot questions, and the Attorney General of the Commonwealth may add additional plain English context should the amendments reach the electorate for a vote. But those additional safeguards do nothing to resolve the illegality of the provisions, their ambiguity, or the technical language that would actually become part of the Pennsylvania Constitution. Nor will they make up for the fact that this Commonwealth's voters have already suffered real harm when they were forced to elect a General Assembly without that additional context and following publication of misleading information in newspapers in every county of the Commonwealth on three occasions prior to the election.

Accordingly, a voter reading the plain language of SB 106—by way of the newspaper publications or otherwise—may conclude that they are not old enough to vote in the Commonwealth or that they haven't lived at their residence for the required number of days, resulting in that voter not even bothering to attempt to exercise their right to vote on important constitutional questions related to voter ID requirements, or any of the other constitutional questions posed under SB 106. This is the essence of *de facto* disenfranchisement and confusion amongst voters has already occurred.

To that end, young voters have shared videos on social media platforms, like TikTok, attempting to educate each other about voting rights, and commenters have

expressed confusion and concern about SB 106's voting age requirement.⁵ The voting age language has even confounded members of the General Assembly who voted in favor of SB 106. *See, e.g., Increase The Voting Age To 21? PA GOP Wants to Eradicate Youth Vote*, BUCKS COUNTY BEACON (July 29, 2022), <https://buckscountybeacon.com/2022/07/increase-the-voting-age-to-21-pa-gop-wants-to-eradicate-youth-vote/> (attached in full at Exhibit D) (explaining that the Republican representatives in the General Assembly who voted for SB 106 seem to be confused by the inclusion of an unconstitutional voting age in a proposed amendment).

Even now, the public record reflects serious confusion as to what exactly SB 106 seeks to do. One published news article, while attempting to educate voters, materially misstates the language in SB 106.⁶ Another article in *The Daily Collegian*, independently published by students at Penn State University, advises

⁵ *See* Exhibit C, @xmadsterr, TIKTOK (July 12, 2022), https://www.tiktok.com/@xmadsterr/video/7119507316541623594?is_from_webapp=v1&item_id=7119507316541623594.

⁶ *Big, bad news: PA Senate changing state's Constitution to strip us of abortion and voting rights!*, Keystone Progress Education Fund (July 8, 2022), <https://www.kpef.info/blog/big-bad-news-pa-senate-changing-states-constitution-to-strip-us-of-abortion-and-voting-rights> (attached hereto as Exhibit E).

students that SB 106 “would also raise the voting age from 18 to 21 and invoke [a] residency requirement to vote from 30 to 90 days preceding the election.”⁷

ARGUMENT

I. The General Assembly Violated Both the Text and Spirit of Article XI, § 1 of the Pennsylvania Constitution by Passing SB 106.

The General Assembly concedes that it is a question of first impression as to whether it is required to submit a “yea or nay” on each discrete constitutional amendment. *See Respondent’s Preliminary Objections to Petition for Review*, ¶ 62, fn.7. But, in the next breath the General Assembly asks this Court to disregard the purpose and intent of Article XI, § 1’s requirement that each legislator’s affirmative “yea” or negative “nay” be recorded and published to those who would next decide whether that legislator should be re-elected. Such a reading effectively eviscerates the intent of the strict procedural process of Article XI, § 1.

Contrary to the General Assembly’s argument that its shotgun approach is a perfectly acceptable means of Constitution making, this language in Article XI, § 1 has a clear, meaningful purpose. The purpose of the vote, recording, and publication requirements is to afford “an informed electorate . . . an opportunity to indicate their

⁷ Jenna Meleedy, ‘*We cannot leave our state vulnerable to future attempts to revoke our rights and freedoms,*’ *Centre County leaders assemble to challenge Pennsylvania Senate Bill 106*, Daily Collegian (Oct. 10, 2022) (https://www.collegian.psu.edu/news/we-cannot-leave-our-state-vulnerable-to-future-attempts-to-revoke-our-rights-and-freedoms/article_766a994c-48de-11ed-abc7-1f1c863514cf.html) (attached hereto as Exhibit F).

pleasure at the ballot box and elect individuals to the next General Assembly with different attitudes.” *Kremer v. Grant*, 606 A.2d 433, 438 (Pa. 1992); *see also Tausig v. Lawrence*, 197 A. 235, 238 (Pa. 1938). Without being afforded the benefit of a precise view as to their elected legislator’s stance on each discrete proposed amendment, the electorate was deprived of information the Constitution deems material for purposes of the next General Assembly election.

The General Assembly would have this Court eviscerate the purpose and intent of recording the “yeas and nays” on each proposed amendment. But in *Commonwealth ex rel. Woodruff v. King*, 122 A. 279, 279–80 (Pa. 1923), the Pennsylvania Supreme Court recognized the critical role of this procedural step under Article XI, § 1, where it held:

There is a real reason for requiring the advertisement prior to the general election when the Legislature has still to pass on a proposed amendment. Members of the General Assembly are chosen *only* at general elections; hence, as the opinion under review well says: ‘*The purpose* of the [constitutional] requirement of publication three months before the next general election, following the first legislative agreement to the proposed amendment [this being ‘the only place where the phrase ‘the general election’ appears], *was to give the electors an abundant opportunity to be advised concerning the proposed amendment and to ascertain the policy of candidates for the General Assembly to be ‘next afterwards chosen,’* because they would have to pass upon the proposed amendment when it came before the General Assembly a second time.’ This, as noted by the court below, is suggested by us in *Commonwealth v. Griest*, 196 Pa. 396, 415, [(1900)].

Id. at 282-83. (emphases added).

In *Griest*, the Pennsylvania Supreme Court explained the Article XI, § 1 process, and its summation reveals what the constitutional amendment process truly is intended to be: a single, unbroken chain of approval evincing a single, discrete amendment, with a clear path originating from specific language proposed by the legislature and culminating in the expression of the ultimate will of the people. The Court described the required sequence as follows:

These, then, are the several stages in the proceedings to create an amendment: *A proposal of the amendment* in either house; *an agreement* to the same by both houses; *a publication thereof* by the secretary of the commonwealth; *a second agreement* by the two houses; *a second publication* by the secretary; *a vote of the people*, which, if a majority vote favorably, causes the amendment to become a part of the constitution. *In the orderly and logical sequence of such preceding facts, it follows, with apparently an unanswerable certainty, that an amendment thus originated, proceeded with, and terminated, becomes an integral part of our state constitution.*

Com. ex rel. Att’y Gen. v. Griest, 46 A. 505, 506 (Pa. 1900) (emphases added).

Accordingly, the General Assembly’s adoption of a grab bag of multiple, disparate and wide-ranging constitutional amendments under a single “yea or nay” vote deprived voters of their Constitutional right “to ascertain the policy of [such] candidates for the General Assembly to be ‘next afterwards chosen[.]’” *Woodruff*, 122 A. at 279–80.

II. SB 106 Violates the U.S. Constitution and the Pennsylvania Constitution.

Even if this Court were to find that the General Assembly's shotgun procedural approach is an acceptable means to amend the constitution, SB 106 is so inherently flawed that it still does not—and cannot—satisfy the strict requirements of Article XI, §1 because the very text and substance of SB 106 itself creates voter confusion as it is patently unconstitutional and the General Assembly has no means of curing this fatal defect.

The plain language of SB 106's proposed amendment to subsection (A) of Article VII, § 1 violates the Twenty-Sixth Amendment, the Equal Protection Clause of the Fourteenth Amendment, and other federal law outlawing durational residency requirements and—furthermore—violates the Free and Equal Elections Clause of the Pennsylvania Constitution.

A. The Voter Age Requirement Perpetuated by SB 106 Violates the Twenty-Sixth Amendment of the U.S. Constitution.

On April 27, 1971, the Commonwealth of Pennsylvania become one of 39 states to ratify the Twenty-Sixth Amendment to the U.S. Constitution.⁸ The Twenty-Sixth Amendment guarantees citizens 18 years and older the right to vote. U.S. CONST. amend. XXVI.

⁸ See S. Res., Gen. Assemb. of Pa., No. 237 Session of 2002, <https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2001&sessInd=0&billBody=S&billTyp=R&billNbr=0237&pn=1999>

The Twenty-Sixth Amendment supersedes Pennsylvania’s minimum voting age of 21 as set forth in Article VII, § 1 of the Pennsylvania Constitution. As a result, Pennsylvanians ages 18 to 20 have enjoyed the right to vote in the Commonwealth since the Twenty-Sixth Amendment was ratified in 1971.⁹

When the General Assembly voted “yea” on SB 106 on July 8, 2022, almost 51 years to the day of the Twenty-Sixth Amendment’s federal ratification anniversary, it intended to propose, and to require the Secretary of State to advertise, to Pennsylvania voters that they *affirmatively adopt* constitutional language that reiterates a minimum voting age of 21 years, in direct contravention of the Twenty-Sixth Amendment. *See* SB 106, P.N. 1857 (Exhibit B) at 3:6-10 and 3:29-4:17. The confusion that will result is plain. For example, a voter may believe she is actually voting for, or against, raising Pennsylvania’s voting age to 21, even though that cannot possibly be so.

⁹ The text of Article VII, § 1 of the Pennsylvania Constitution has remained unchanged since the Constitution’s adoption, although some published forms of the Pennsylvania Constitution contain an explanatory printer’s footnote following Article VII, Section 1 explaining that the law has been superseded by the U.S. Constitution and the PA Election Code. The printer’s note provides as follows: “Age of Electors. The age at which a citizen is entitled to vote was changed from 21 to 18 years of age. *See* Amendment XXVI to the Constitution of the United States and section 701 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.” *See* <https://www.legis.state.pa.us/WU01/LI/LI/CT/PDF/00/00.PDF> (as published to Pennsylvania legislature’s website).

The Supremacy Clause of the U.S. Constitution provides that “the Laws of the United States . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. CONST., art. VI. ‘Since . . . *McCulloch v. Maryland* [17 U.S. (4 Wheat.) 316, 4 L.Ed. 579 (1819)], it has been settled that state law that conflicts with federal law is without effect.” *Kuznik v. Westmoreland Cnty. Bd. of Comm’rs*, 902 A.2d 476, 493 (Pa. 2006) (citing *Cipollone v. Liggett Group, Inc.*, 505 U.S. 504, 516 (1992)).

The Pennsylvania Supreme Court recognizes that “state law may be displaced [under conflict preemption principles] if it is physically impossible to comply with both state and federal laws, or if the state law stands as an obstacle to the accomplishment and execution of the purposes and objectives of Congress.”¹⁰

Because the U.S. Constitution guarantees citizens aged 18, 19, and 20 the right to vote in federal, state, and local elections, it is impossible to comply with both the proposed Pennsylvania Constitutional amendment (that 18-, 19-, and 20-year-old citizens *do not* have a right to vote in Pennsylvania elections) and the law as provided under the U.S. Constitution (that 18-, 19-, and 20-year old citizens *do* have the right to vote in Pennsylvania elections). SB 106 frustrates the purposes and objectives of the Twenty-Sixth Amendment, not to mention those of the Commonwealth and the

¹⁰ *Kuznik*, 902 A.2d 476, 493–94 (citing *Orson, Inc. v. Miramax Film Corp.*, 189 F.3d 377, 381–82 (3rd Cir. 1999)) (citations and alterations omitted).

38 other states that ratified the Twenty-Sixth Amendment, to enfranchise young adults and promote voting.¹¹ Accordingly, SB 106 is facially invalid.

B. The Voter Age Requirement Perpetuated by SB 106 Violates the Constitutional Right to “Free and Equal” Elections.

Furthermore, SB 106 creates confusion because it violates the Pennsylvania Constitution’s Free and Equal Elections Clause, which guarantees citizens of the Commonwealth rights in excess of the most basic of rights secured by the U.S. Constitution.¹² As the predecessor of the federal Constitution, the Pennsylvania Constitution itself “stands as a self-contained and self-governing body of constitutional law, and acts as a wholly independent protector of the rights of the citizens of our Commonwealth.” *League of Women Voters v. Comm.*, 178 A.3d 737, 802 (Pa. 2018). To this aim, the Free and Equal Elections Clause provides “a constitutional standard, and remedy, even if the federal charter does not.” *Id.* at 741.

¹¹ See *Just which state ratified the 26th Amendment?*, INTERACTIVE CONSTITUTION (June 30, 2021), <https://constitutioncenter.org/interactive-constitution/blog/just-which-state-ratified-the-26th-amendment> (“[P]ublic opinion in support of the lower voting age led to Congress approving the proposed 26th Amendment by mid-March [1971]. ‘The well-known proposition—‘old enough to fight, old enough to vote’--deserves special mention. To me, this part of the argument for granting the vote to 18 year-olds has great appeal,’ said Senator Edward Kennedy during the Senate debate on the issue.”).

¹² See PA. CONST. art. I, § 5 (“Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”).

The Free and Equal Elections Clause is the manifestation of the “framers’ intent that all aspects of the electoral process, to the greatest degree possible, be kept open and unrestricted to the voters of our Commonwealth, and, also, conducted in a manner which guarantees, to the greatest degree possible, a voter’s right to equal participation in the electoral process for the selection of his or her representatives in government. Thus, Article I, § 5 guarantees our citizens an equal right, on par with every other citizen, to elect their representatives.” *Id.* at 804.

In our democratic process, we assume that voters are reasonably informed of their voting rights and privileges. However, it should go without saying that proposing a constitutional amendment asking voters to affirmatively disenfranchise certain voters by adopting a new constitutional amendment that undisputedly *cannot* be the law is confusing and subversive. Sowing such purposeful confusion violates the bedrock principles of the Free and Equal Elections Clause, which constitutionally “mandates that all voters have an equal opportunity to translate their votes into representation.” *League of Women Voters*, 178 A.3d at 804. Accordingly, *Amici* ask this Court to act *now* to address the confusion and uncertainty that has arisen in light of the unconstitutional language on voting age and residency restrictions

proposed by the General Assembly in SB 106 and advertised by the Secretary of State.¹³

Assuming that the General Assembly did not intend an absurd, ineffective, or unconstitutional result by its enactment of SB 106,¹⁴ it stands to reason that the General Assembly actively intends to disenfranchise this particular age group, should it ever be afforded the opportunity to do so. If the Twenty-Sixth Amendment were to be repealed or superseded by another constitutional amendment, Pennsylvania voters aged 18–20 may be immediately disenfranchised. Because the Free and Equal Elections Clause secures the rights of Pennsylvania voters against disenfranchisement of established rights, SB 106 cannot stand.

Although the General Assembly may argue that subsection (A) of the amendment to Article VII, § 1 is simply re-stating the current language in the Pennsylvania Constitution, as discussed above, a plain reading of SB 106 shows that the legislature did in fact attempt to conform the proposed amendment to current law by changing the age from 21 years to 18 years. *See* S.B. 106, P.N. 1279 (Exhibit A)

¹³ https://www.dos.pa.gov/VotingElections/Documents/DOS_JR2021-2_10x21.pdf (giving public notice of the proposed amendments).

¹⁴ *See* 1 Pa.C.S.A. § 1922(1)-(3) (“In ascertaining the intention of the General Assembly in the enactment of a statute the following presumptions, among others, may be used: (1) That the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable. (2) That the General Assembly intends the entire statute to be effective and certain. (3) That the General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth”).

at 3:26-4:20 (2021). This corrective language, although appearing in a prior version of SB 106, was struck from the final version of SB 106 as adopted, reiterating a voting age of 21 years.

It is one thing for the General Assembly to prioritize other legislative efforts over attempting to repeal a vestigial, now-unconstitutional provision of the Pennsylvania Constitution. It is quite another for the General Assembly to ask 21st-century voters to reaffirm a voting restriction that is flatly contradicted by the U.S. Constitution. This is the very essence of disenfranchisement that the Free and Equal Elections Clause seeks to protect against.

Accordingly, SB 106 is unconstitutional on both a facial and as-applied challenge under the U.S. Constitution and is unconstitutional as a violation of the Free and Equal Elections Clause under the Pennsylvania Constitution. The voters should choose their General Assembly, not the other way around. *League of Women Voters*, 178 A.3d at 802. As a result, SB 106 must be struck down.

C. The Durational Residence Requirements Perpetuated by SB 106 Violate the Fourteenth Amendment of the U.S. Constitution and the Free and Equal Elections Clause of the Pennsylvania Constitution.

The Fourteenth Amendment of the U.S. Constitution provides in part that, “No State shall . . . deny to any person within its jurisdiction the equal protection of the law.” U.S. CONST. amend. XIV. The United States Supreme Court “has made clear that a citizen has a constitutionally protected right to participate in elections on

an equal basis with other citizens in the jurisdiction.” *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972) (collecting cases). As such, “the denial of the franchise, ‘a fundamental political right,’... [is] a penalty requiring application of the compelling-state-interest test.” *See Mem’l Hosp. v. Maricopa Cnty.*, 415 U.S. 250, 259 (1974) (internal citation omitted).

In other words, durational residence laws are subject to strict scrutiny: “they are unconstitutional unless the State can demonstrate that such laws are ‘necessary to promote a compelling governmental interest.’” *Dunn*, 405 U.S. at 342 (quoting *Shapiro v. Thompson*, 394 U.S. 618, 634 (1969)) (citation omitted). “It is not sufficient for the State to show that durational residence requirements further a very substantial state interest. In pursuing that important interest, the State cannot choose means that unnecessarily burden or restrict constitutionally protected activity.” *Id.* at 343. “Statutes affecting constitutional rights must be drawn with ‘precision,’ and must be ‘tailored’ to serve their legitimate objectives.” *Id.* (citations omitted). “And if there are other, reasonable ways to achieve those goals with a lesser burden on constitutionally protected activity, a State may not choose the way of greater interference. If it acts at all, it must choose ‘less drastic means.’” *Id.* (citations omitted).

SB 106 flunks strict scrutiny. SB 106 requires that electors “shall have resided in the State ninety (90) days immediately preceding the election” and “shall have

resided in the election district where he or she shall offer to vote at least sixty (60) days immediately preceding the election.” Both the 90- and 60-day requirements exceed “the outer constitutional limits in this area[.]” *Burns v. Fortson*, 410 U.S. 686, 687 (1973); *see also* 52 U.S.C. § 10502 (outlawing state durational residence requirements for presidential and vice-presidential election, and prohibiting the States from closing registration more than 30 days before such elections); *Official Opinion No. 121*, Opinions of the Attorney General (May 5, 1972), https://www.duq.edu/assets/Documents/law/pa-constitution/_pdf/attorney-general/1972-121.pdf (advising the Secretary of the Commonwealth that “durational residency requirements in excess of 30 days . . . are unenforceable.”).

Accordingly, SB 106 is constitutionally invalid on its face and void, and will create confusion among voters as to whether they are, in fact, voting to mandate a residency requirement that *cannot* be the law in Pennsylvania.

III. SB 106’s Proposed Amendment Concerning Abortion is Invalid.

SB 106 packages two separate and distinct questions into a single proposed amendment to the Pennsylvania Constitution’s Declaration of Rights. In one breath, SB 106 purports to amend the Declaration of Rights by adding Article I, § 30 to deprive a person of any fundamental right to have taxpayers *pay* for an abortion AND “any *other* right relating to abortion.”

This formulation is unconstitutional for at least two reasons: first, because the “yeas and nays” were recorded in the aggregate, the process deprived voters of their right to know whether their legislators supported each separate proposition before the general election held November 8, 2022. Under Article XI, § 1, voters in the November 8, 2022 general election had a constitutional right to know how their legislators stood on these two separate and discrete questions. *See Kremer*, 606 A.2d at 438; *see also Tausig*, 197 A. at 238. The General Assembly’s defective drafting and adoption of SB 106 deprived the electorate of their right to make an informed choice at the ballot box.

Second, the defective drafting combining two substantive changes to Article I, § 30 will again deprive voters of their right to make an informed choice between these two propositions when the language next comes to a vote. Some voters may agree with both of those propositions, while some voters some may agree with neither. A large portion of voters may agree with the first provision but not the second. This “take it or leave it approach” prevents voters from making a meaningful choice on these critically important, discrete questions.

Accordingly, SB 106 cannot now, or ever, form the basis of a valid constitutional amendment. The General Assembly’s draftsmanship prevents voters from knowing their elected representative’s stance on each separate proposition. Furthermore, because SB 106 irredeemably intertwines multiple constitutional

questions into a single proposition, voters will never be able to make a discrete choice on its separate provisions as the Constitution mandates. SB 106 cannot be permitted to stand. *See League of Women Voters of Pa. v. Degraffenreid*, 265 A.3d 207, 231 (Pa. 2021) (recognizing that such logrolling prevents the voter’s exercise of “free and mature judgment’, as it is impossible for voters to express assent only to the provisions which they favor, and reject those which they disapprove.”) (citations omitted).

CONCLUSION

SB 106 is so grossly defective in both its passage and form that it cannot be permitted to stand. SB 106 is procedurally unconstitutional because it plainly violates the strict requirements of Article XI, § 1, and, because it creates voter confusion by asking voters to pass on 21-year-old voting age and durational residency provisions, violates the U.S. Constitution and Pennsylvania Constitution; thus, SB 106 cannot be the law of Pennsylvania, regardless of how voters cast their votes. The Court should declare the inclusion of a 21-year-old voting age and durational residency requirement provisions in SB 106, along with a voter ID provision, as unconstitutional under: (i) the Twenty-Sixth Amendment of the U.S. Constitution, with respect to voting age; (ii) the Fourteenth Amendment of the U.S. Constitution, with respect to residency; and (iii) the Free and Equal Protections Clause of the Pennsylvania Constitution, with respect to voting age, residency, and

the packaging of separate constitutional amendment issues with new voter ID language, and enjoin the General Assembly from pursuing further action on SB 106.

* * *

For all of these reasons, *Amici Curiae* respectfully urge the Court to grant Petitioners' requested relief and strike down SB 106 as fatally flawed.

DATED: November 10, 2022

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

It is hereby certified that this brief is in compliance with the word count limitations of Pennsylvania Rule of Appellate Procedure 2135 because this brief does not exceed 7,000 words as calculated by the Word Count feature of Microsoft Word 2010, excluding the materials specified in Pa. R. A. P. 2135(b).

Dated: November 10, 2022

/s/ John P. Lavelle, Jr.
John P. Lavelle, Jr.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: November 10, 2022

Submitted by: John P. Lavelle, Jr.

Signature: /s/ John P. Lavelle, Jr.

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EXHIBIT A

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 106 Session of
2021

INTRODUCED BY ARGALL, STREET, MARTIN, STEFANO, PHILLIPS-HILL,
DISANTO, BAKER, MASTRIANO, PITTMAN, REGAN AND SCHWANK,
JANUARY 22, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 14, 2021

A JOINT RESOLUTION

1 Proposing ~~an amendment~~ SEPARATE AND DISTINCT AMENDMENTS to the <--
2 Constitution of the Commonwealth of Pennsylvania, further
3 providing for ACTION ON CONCURRENT ORDERS AND RESOLUTIONS AND <--
4 FOR Lieutenant Governor; PROVIDING FOR EXECUTIVE ORDERS; <--
5 FURTHER PROVIDING FOR QUALIFICATIONS OF ELECTORS; AND
6 PROVIDING FOR ELECTION AUDITS.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby resolves as follows:

9 ~~Section 1. The following amendment to the Constitution of~~ <--
10 ~~Pennsylvania is proposed in accordance with Article XI:~~

11 ~~That section 4 of Article IV be amended to read:~~

12 SECTION 1. THE FOLLOWING SEPARATE AND DISTINCT AMENDMENTS TO <--
13 THE CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH
14 ARTICLE XI:

15 (1) THAT SECTION 9 OF ARTICLE III BE AMENDED TO READ:

16 § 9. ACTION ON CONCURRENT ORDERS AND RESOLUTIONS.

17 EVERY ORDER, RESOLUTION OR VOTE, TO WHICH THE CONCURRENCE OF
18 BOTH HOUSES MAY BE NECESSARY, EXCEPT ON THE QUESTIONS OF

1 ADJOURNMENT, DISAPPROVAL OF A REGULATION OR TERMINATION OR
2 EXTENSION OF A DISASTER EMERGENCY DECLARATION AS DECLARED BY AN
3 EXECUTIVE ORDER OR PROCLAMATION, OR PORTION OF A DISASTER
4 EMERGENCY DECLARATION AS DECLARED BY AN EXECUTIVE ORDER OR
5 PROCLAMATION, SHALL BE PRESENTED TO THE GOVERNOR AND BEFORE IT
6 SHALL TAKE EFFECT BE APPROVED BY HIM, OR BEING DISAPPROVED,
7 SHALL BE REPASSED BY TWO-THIRDS OF BOTH HOUSES ACCORDING TO THE
8 RULES AND LIMITATIONS PRESCRIBED IN CASE OF A BILL.

9 (2) THAT SECTION 4 OF ARTICLE IV BE AMENDED TO READ:

10 § 4. Lieutenant Governor.

11 †A Lieutenant Governor shall be chosen jointly with the <--
12 Governor by the casting by each voter of a single vote
13 applicable to both offices, for the same term, and subject to
14 the same provisions as the Governor[; he]. Each candidate for <--
15 Governor, having been nominated under the laws of this
16 Commonwealth, shall, subject to the approval of the political
17 party or political body, if any, nominating such candidate,
18 select a candidate for Lieutenant Governor within such time
19 before the gubernatorial general election as the General
20 Assembly shall prescribe by law. A person may not seek election
21 to both offices simultaneously. The Lieutenant Governor shall be
22 President of the Senate. As such, [he] the Lieutenant Governor
23 may vote in case of a tie on any question except the final
24 passage of a bill or joint resolution, the adoption of a
25 conference report or the concurrence in amendments made by the
26 House of Representatives.

27 ~~Section 2. (a) Upon the first passage by the General <--~~
28 ~~Assembly of this proposed constitutional amendment, the~~
29 ~~Secretary of the Commonwealth shall proceed immediately to~~
30 ~~comply with the advertising requirements of section 1 of Article~~

1 ~~XI of the Constitution of Pennsylvania and shall transmit the~~
2 ~~required advertisements to two newspapers in every county in~~
3 ~~which such newspapers are published in sufficient time after~~
4 ~~passage of this proposed constitutional amendment.~~

5 ~~(b) Upon the second passage by the General Assembly of this~~
6 ~~proposed constitutional amendment, the Secretary of the~~
7 ~~Commonwealth shall proceed immediately to comply with the~~
8 ~~advertising requirements of section 1 of Article XI of the~~
9 ~~Constitution of Pennsylvania and shall transmit the required~~
10 ~~advertisements to two newspapers in every county in which such~~
11 ~~newspapers are published in sufficient time after passage of~~
12 ~~this proposed constitutional amendment. The Secretary of the~~
13 ~~Commonwealth shall submit this proposed constitutional amendment~~
14 ~~to the qualified electors of this Commonwealth at the first~~
15 ~~primary, general or municipal election which meets the~~
16 ~~requirements of and is in conformance with section 1 of Article~~
17 ~~XI of the Constitution of Pennsylvania and which occurs at least~~
18 ~~three months after the proposed constitutional amendment is~~
19 ~~passed by the General Assembly.~~

20 (3) THAT ARTICLE IV BE AMENDED BY ADDING A SECTION TO READ: <--
21 § 21. EXECUTIVE ORDERS.

22 AN EXECUTIVE ORDER OR PROCLAMATION BY THE GOVERNOR OR AN
23 EXECUTIVE AGENCY WITH THE FORCE AND EFFECT OF LAW MAY NOT BE IN
24 EFFECT FOR MORE THAN 21 DAYS, UNLESS OTHERWISE EXTENDED IN WHOLE
25 OR IN PART BY CONCURRENT RESOLUTION OF THE GENERAL ASSEMBLY.

26 (4) THAT SECTION 1 OF ARTICLE VII BE AMENDED TO READ:
27 § 1. QUALIFICATIONS OF ELECTORS.

28 [EVERY CITIZEN 21] ONLY CITIZENS 18 YEARS OF AGE OR OLDER,
29 POSSESSING THE FOLLOWING QUALIFICATIONS, SHALL BE ENTITLED TO
30 VOTE AT ALL ELECTIONS SUBJECT, HOWEVER, TO SUCH LAWS REQUIRING

1 AND REGULATING THE REGISTRATION OF ELECTORS AS THE GENERAL
2 ASSEMBLY MAY ENACT.

3 1. HE OR SHE SHALL HAVE BEEN A CITIZEN OF THE UNITED STATES
4 AT LEAST ONE MONTH.

5 2. HE OR SHE SHALL HAVE RESIDED IN THE STATE [~~90~~] 30 DAYS
6 IMMEDIATELY PRECEDING THE ELECTION.

7 3. HE OR SHE SHALL HAVE RESIDED IN THE ELECTION DISTRICT
8 WHERE HE OR SHE SHALL OFFER TO VOTE AT LEAST [~~60~~] 30 DAYS
9 IMMEDIATELY PRECEDING THE ELECTION, EXCEPT THAT IF QUALIFIED TO
10 VOTE IN AN ELECTION DISTRICT PRIOR TO REMOVAL OF RESIDENCE, HE
11 OR SHE MAY, IF A RESIDENT OF PENNSYLVANIA, VOTE IN THE ELECTION
12 DISTRICT FROM WHICH HE OR SHE REMOVED HIS OR HER RESIDENCE
13 WITHIN [~~60~~] 30 DAYS PRECEDING THE ELECTION.

14 4. HE OR SHE SHALL PRESENT VALID IDENTIFICATION PRIOR TO
15 VOTING, REGARDLESS OF VOTING METHOD. IF AN ELECTOR DOES NOT
16 POSSESS VALID IDENTIFICATION, HE OR SHE SHALL, UPON REQUEST, BE
17 FURNISHED WITH A GOVERNMENT-ISSUED IDENTIFICATION AT NO COST TO
18 THE ELECTOR. FOR PURPOSES OF THIS PARAGRAPH, THE TERM "VALID
19 IDENTIFICATION" SHALL MEAN ANY UNEXPIRED GOVERNMENT-ISSUED
20 IDENTIFICATION, UNLESS OTHERWISE AUTHORIZED BY STATUTE.

21 (5) THAT ARTICLE VII BE AMENDED BY ADDING A SECTION TO READ:
22 § 15. ELECTION AUDITS.

23 THE GENERAL ASSEMBLY SHALL BY STATUTE PROVIDE FOR THE
24 AUDITING OF ELECTIONS, INCLUDING THE ADMINISTRATION OF
25 ELECTIONS, CERTIFICATION OF ELECTION MACHINES, THE ACCURACY OF
26 THE LIST OF REGISTERED VOTERS, THE ADMINISTRATION OF VOTER
27 REGISTRATION AND ELECTION RESULTS. ELECTION AUDITS SHALL BE
28 CONDUCTED BY THE AUDITOR GENERAL. IN YEARS WHEN THE AUDITOR
29 GENERAL STANDS FOR ELECTION TO ANY OFFICE, AN INDEPENDENT
30 AUDITOR SHALL CONDUCT THE AUDIT.

1 SECTION 2. (A) UPON THE FIRST PASSAGE BY THE GENERAL
2 ASSEMBLY OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS, THE
3 SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO
4 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE
5 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE
6 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN
7 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER
8 PASSAGE OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS.

9 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THESE
10 PROPOSED CONSTITUTIONAL AMENDMENTS, THE SECRETARY OF THE
11 COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE
12 ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE XI OF THE
13 CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED
14 ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH
15 NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF
16 THESE PROPOSED CONSTITUTIONAL AMENDMENTS. THE SECRETARY OF THE
17 COMMONWEALTH SHALL:

18 (1) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
19 SECTION 1(1) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
20 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
21 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
22 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
23 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
24 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
25 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

26 (2) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
27 SECTION 1(2) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
28 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
29 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
30 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF

1 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
2 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
3 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

4 (3) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
5 SECTION 1(3) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
6 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
7 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
8 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
9 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
10 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
11 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

12 (4) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
13 SECTION 1(4) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
14 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
15 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
16 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
17 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
18 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
19 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

20 (5) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
21 SECTION 1(5) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
22 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
23 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
24 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
25 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
26 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
27 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 106 Session of 2021

INTRODUCED BY ARGALL, MARTIN, STEFANO, PHILLIPS-HILL, DiSANTO, BAKER, MASTRIANO, PITTMAN AND REGAN, JANUARY 22, 2021

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JULY 7, 2022

A JOINT RESOLUTION

1 Proposing separate and distinct amendments to the Constitution
2 of the Commonwealth of Pennsylvania, PROVIDING THAT THERE IS <--
3 NO CONSTITUTIONAL RIGHT TO TAXPAYER-FUNDED ABORTION OR OTHER
4 RIGHT RELATING TO ABORTION; further providing for action on
5 concurrent orders and resolutions and, for Lieutenant <--
6 Governor; providing for executive orders; further providing <--
7 AND for qualifications of electors; and providing for <--
8 election audits.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby resolves as follows:

11 Section 1. The following separate and distinct amendments to
12 the Constitution of Pennsylvania are proposed in accordance with
13 Article XI:

14 (1) THAT ARTICLE I BE AMENDED BY ADDING A SECTION TO READ: <--
15 § 30. ABORTION.

16 THIS CONSTITUTION DOES NOT GRANT THE RIGHT TO TAXPAYER-FUNDED
17 ABORTION OR ANY OTHER RIGHT RELATING TO ABORTION.

18 (1) That section 9 of Article III be amended to read: <--
19 § 9. Action on concurrent orders and resolutions.

20 Every order, resolution or vote, to which the concurrence of

1 both Houses may be necessary, except on the questions of
2 adjournment, disapproval of a regulation or termination or
3 extension of a disaster emergency declaration as declared by an
4 executive order or proclamation, or portion of a disaster
5 emergency declaration as declared by an executive order or
6 proclamation, shall be presented to the Governor and before it
7 shall take effect be approved by him, or being disapproved,
8 shall be repassed by two-thirds of both Houses according to the
9 rules and limitations prescribed in case of a bill.

10 ~~(2)~~ (3) That section 4 of Article IV be amended to read: <--

11 § 4. Lieutenant Governor.

12 A Lieutenant Governor shall be chosen jointly with the
13 Governor by the casting by each voter of a single vote
14 applicable to both offices, for the same term, and subject to
15 the same provisions as the Governor[; he]. Each candidate for
16 Governor, having been nominated under the laws of this
17 Commonwealth, shall, subject to the approval of the political
18 party or political body, if any, nominating such candidate,
19 select a candidate for Lieutenant Governor within such time
20 before the gubernatorial general election as the General
21 Assembly shall prescribe by law. A person may not seek election
22 to both offices simultaneously. The Lieutenant Governor shall be
23 President of the Senate. As such, [he] the Lieutenant Governor
24 may vote in case of a tie on any question except the final
25 passage of a bill or joint resolution, the adoption of a
26 conference report or the concurrence in amendments made by the
27 House of Representatives.

28 ~~(3) That Article IV be amended by adding a section to read: <--~~

29 ~~§ 21. Executive orders.~~

30 ~~An executive order or proclamation by the Governor or an~~

~~1 executive agency with the force and effect of law may not be in
2 effect for more than 21 days, unless otherwise extended in whole
3 or in part by concurrent resolution of the General Assembly.~~

~~4 (4) That section 1 of Article VII be amended to read:~~

~~5 § 1. Qualifications of electors.~~

~~6 [Every citizen 21] Only citizens 18 years of age or older,
7 possessing the following qualifications, shall be entitled to
8 vote at all elections subject, however, to such laws requiring
9 and regulating the registration of electors as the General
10 Assembly may enact.~~

~~11 1. He or she shall have been a citizen of the United States
12 at least one month.~~

~~13 2. He or she shall have resided in the State [90] 30 days
14 immediately preceding the election.~~

~~15 3. He or she shall have resided in the election district
16 where he or she shall offer to vote at least [60] 30 days
17 immediately preceding the election, except that if qualified to
18 vote in an election district prior to removal of residence, he
19 or she may, if a resident of Pennsylvania, vote in the election
20 district from which he or she removed his or her residence
21 within [60] 30 days preceding the election.~~

~~22 4. He or she shall present valid identification prior to
23 voting, regardless of voting method. If an elector does not
24 possess valid identification, he or she shall, upon request, be
25 furnished with a government issued identification at no cost to
26 the elector. For purposes of this paragraph, the term "valid
27 identification" shall mean any unexpired government issued
28 identification, unless otherwise authorized by statute.~~

~~29 (4) THAT SECTION 1 OF ARTICLE VII BE AMENDED TO READ:~~ <--

~~30 § 1. QUALIFICATIONS OF ELECTORS.~~

1 (A) EVERY CITIZEN 21 YEARS OF AGE, POSSESSING THE FOLLOWING
2 QUALIFICATIONS, SHALL BE ENTITLED TO VOTE AT ALL ELECTIONS
3 SUBJECT, HOWEVER, TO SUCH LAWS REQUIRING AND REGULATING THE
4 REGISTRATION OF ELECTORS AS THE GENERAL ASSEMBLY MAY ENACT.

5 1. HE OR SHE SHALL HAVE BEEN A CITIZEN OF THE UNITED STATES
6 AT LEAST ONE MONTH.

7 2. HE OR SHE SHALL HAVE RESIDED IN THE STATE 90 DAYS
8 IMMEDIATELY PRECEDING THE ELECTION.

9 3. HE OR SHE SHALL HAVE RESIDED IN THE ELECTION DISTRICT
10 WHERE HE OR SHE SHALL OFFER TO VOTE AT LEAST 60 DAYS IMMEDIATELY
11 PRECEDING THE ELECTION, EXCEPT THAT IF QUALIFIED TO VOTE IN AN
12 ELECTION DISTRICT PRIOR TO REMOVAL OF RESIDENCE, HE OR SHE MAY,
13 IF A RESIDENT OF PENNSYLVANIA, VOTE IN THE ELECTION DISTRICT
14 FROM WHICH HE OR SHE REMOVED HIS OR HER RESIDENCE WITHIN 60 DAYS
15 PRECEDING THE ELECTION.

16 (B) IN ADDITION TO THE QUALIFICATIONS UNDER SUBSECTION (A)
17 OF THIS SECTION, A QUALIFIED ELECTOR SHALL PROVIDE A VALID
18 IDENTIFICATION AT EACH ELECTION IN ACCORDANCE WITH THE
19 FOLLOWING:

20 1. WHEN VOTING IN PERSON, THE QUALIFIED ELECTOR SHALL
21 PRESENT A VALID IDENTIFICATION BEFORE RECEIVING A BALLOT TO VOTE
22 IN PERSON.

23 2. WHEN NOT VOTING IN PERSON, THE QUALIFIED ELECTOR SHALL
24 PROVIDE PROOF OF A VALID IDENTIFICATION WITH HIS OR HER BALLOT.

25 (C) IF A QUALIFIED ELECTOR DOES NOT POSSESS A VALID
26 IDENTIFICATION, HE OR SHE SHALL, UPON REQUEST AND CONFIRMATION
27 OF IDENTITY, BE FURNISHED WITH A GOVERNMENT-ISSUED
28 IDENTIFICATION AT NO COST TO THE QUALIFIED ELECTOR.

29 (D) FOR PURPOSES OF THIS SECTION, THE TERM "VALID
30 IDENTIFICATION" MEANS AN UNEXPIRED GOVERNMENT-ISSUED

1 IDENTIFICATION, UNLESS OTHERWISE PROVIDED FOR BY LAW.

2 (5) That Article VII be amended by adding a section to read:

3 § 15. Election audits.

4 The General Assembly shall by statute provide for the

5 auditing of elections, including the administration of <--

6 elections, certification of election machines, the accuracy of

7 the list of registered voters, the administration of voter

8 registration and election results. Election audits shall be <--

9 conducted by the Auditor General. In years when the Auditor

10 General stands for election to any office, an Independent

11 Auditor shall conduct the audit.

12 Section 2. (a) Upon the first passage by the General
13 Assembly of these proposed constitutional amendments, the
14 Secretary of the Commonwealth shall proceed immediately to
15 comply with the advertising requirements of section 1 of Article
16 XI of the Constitution of Pennsylvania and shall transmit the
17 required advertisements to two newspapers in every county in
18 which such newspapers are published in sufficient time after
19 passage of these proposed constitutional amendments.

20 (b) Upon the second passage by the General Assembly of these
21 proposed constitutional amendments, the Secretary of the
22 Commonwealth shall proceed immediately to comply with the
23 advertising requirements of section 1 of Article XI of the
24 Constitution of Pennsylvania and shall transmit the required
25 advertisements to two newspapers in every county in which such
26 newspapers are published in sufficient time after passage of
27 these proposed constitutional amendments. The Secretary of the
28 Commonwealth shall:

29 (1) Submit the proposed constitutional amendment under
30 section 1(1) of this resolution to the qualified electors of

1 this Commonwealth as a separate ballot question at the first
2 primary, general or municipal election which meets the
3 requirements of and is in conformance with section 1 of
4 Article XI of the Constitution of Pennsylvania and which
5 occurs at least three months after the proposed
6 constitutional amendment is passed by the General Assembly.

7 (2) Submit the proposed constitutional amendment under
8 section 1(2) of this resolution to the qualified electors of
9 this Commonwealth as a separate ballot question at the first
10 primary, general or municipal election which meets the
11 requirements of and is in conformance with section 1 of
12 Article XI of the Constitution of Pennsylvania and which
13 occurs at least three months after the proposed
14 constitutional amendment is passed by the General Assembly.

15 (3) Submit the proposed constitutional amendment under
16 section 1(3) of this resolution to the qualified electors of
17 this Commonwealth as a separate ballot question at the first
18 primary, general or municipal election which meets the
19 requirements of and is in conformance with section 1 of
20 Article XI of the Constitution of Pennsylvania and which
21 occurs at least three months after the proposed
22 constitutional amendment is passed by the General Assembly.

23 (4) Submit the proposed constitutional amendment under
24 section 1(4) of this resolution to the qualified electors of
25 this Commonwealth as a separate ballot question at the first
26 primary, general or municipal election which meets the
27 requirements of and is in conformance with section 1 of
28 Article XI of the Constitution of Pennsylvania and which
29 occurs at least three months after the proposed
30 constitutional amendment is passed by the General Assembly.

1 (5) Submit the proposed constitutional amendment under
2 section 1(5) of this resolution to the qualified electors of
3 this Commonwealth as a separate ballot question at the first
4 primary, general or municipal election which meets the
5 requirements of and is in conformance with section 1 of
6 Article XI of the Constitution of Pennsylvania and which
7 occurs at least three months after the proposed
8 constitutional amendment is passed by the General Assembly.

EXHIBIT C

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#SB106 does NOT raise the voting age! The language is a little confusing, but there are other laws that ensure the voting age can never be raised above 21. #votingrights #voterrights #pennsylvania #pa #senate #houseofrepresentatives #constitutionalrights

🎵 original sound - Maddy Brown

xmadsterr
Maddy Brown · 7-12

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Thank you for this information! ❤️

7-12 🍷 2 Reply



RecklessRoca

I'm hank you for getting all this out

7-15 🍷 1 Reply



RecklessRoca

Oh man my autocorrect was off the hook this morning

7-15 🍷 0 Reply



Dani_pa

I had to ask a friend who used to work for common cause to clarify this, and i am technically a registered lobbyist 😊

7-19 🍷 0 Reply



Maddy Brown · Creator

The way they word things is so frustrating and just sets us up for failure. It's not fair, tbh 🙄

7-19 🍷 0 Reply



Dani_pa

I mean, legal writing is completely different...and lawmakers screw things up in bill drafting "all the time"

7-19 🍷 0 Reply

EXHIBIT D

Elections, News, Top 5

Increase The Voting Age To 21? PA GOP Wants To Eradicate Youth Vote

"This is an explosive situation and young people are in genuine danger of being disenfranchised. This should be front page news."



Photo via Shutterstock.

by Jenny Stephens | July 29, 2022

If you are 18 or 19 years old, would you be disturbed if Pennsylvania's Republican Party told you that you're not old enough to vote in the upcoming November election? This could happen next year.

Most people are familiar with how Pennsylvania **Senate Bill 106** attempts to ban abortion by the Republican-led legislature, but there's a lot more to the bill than that. It's a power grab to ensure control in the Commonwealth remains in Republican hands by limiting, and *eliminating*, who may vote.

"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age." — 26th Amendment of the U.S. Constitution

Passed by Congress in 1971, the 26th Amendment was ratified by the Commonwealth of Pennsylvania that same year.

Believe it or not, the Pennsylvania Constitution never caught up; **Article VII, Section 1** still says the voting age is 21, but that age qualifier is rendered moot by federal law.

"This is an explosive situation and young people are in genuine danger of being disenfranchised," said Daniel Kurz, a Scranton resident and adjunct professor of political science at Middlesex County College in New Jersey. "This should be front page news."

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Young voters' ballots in gubernatorial and other state and local races may be especially critical in such places as **#Pennsylvania** and **#Georgia**, where new **@GOP** draconian **#abortion** bans and restrictions are a possibility depending on election results. READ: tinyurl.com/3m2meayd

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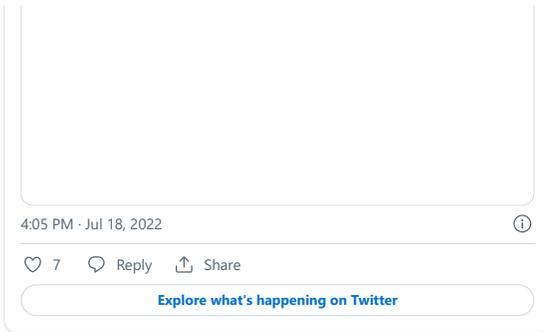
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He is right. So I tried to find out why language appears in SB106 that would seemingly seek to increase the voting age from 18 to 21.

I went in search of that answer by calling upon Republican state representatives in Bucks County who voted for this bill. Calls were placed to Representatives **Schroeder, Staats, Farry, Thomas, and Polinchock**.

An aide from Rep. Frank Farry's office returned the call but had no answers. Rep. Craig Staats (R-145) was the only representative to return my call and actually discuss the bill. He acknowledged that SB106 contrasts with the U.S. Constitution. He said he had suggested the bill be amended, but it wasn't and he voted for it anyway. I asked how the language came to be part of this bill in the first place and he recommended that I call Senator Dave Argall (R-29), the bill's primary sponsor.

So I did.

A legislative aide from Argall's office told me that: I had an incorrect copy of the bill (I did not), that the language in the bill was a mistake (I don't believe it is), that the proposal to increase the voting age would bring the state constitution into compliance with "current law" (it won't), and that the state constitution hasn't been updated because it's too expensive a process (they updated it last year after stripping the governor of emergency powers via referendum). At the end of the conversation I knew no more than when I had started. No one has been able to provide a comprehensive reason as to how or why this verbiage is a part of SB106 or, more importantly, who proposed it.



CIRCLE, the Center for Information and Research on Civic Learning and Engagement, is a non-partisan, independent research organization focused on youth civic engagement in the United States. They provided a few interesting statistics that might explain why the PAGOP is looking to silence young voters:

- 1) Pennsylvania has had above-average youth (ages 18-29) voter turnout in recent elections: 54% in 2020 (national turnout rate: 50%), and 30% in 2018 (national rate: 28%)
- 2) Youth were critical to the 2020 presidential election results in PA: in a race decided by less than 100,000 votes, young people cast more than 750,000 votes and favored President Biden over President Trump by a 20-point margin.

Why else would Republicans want to raise the voting age? Robert Tracinski, who has written for **The Federalist** and been featured on many radio and television shows, including Rush Limbaugh and "The O'Reilly Factor," made his case to raise the age in 2018 by saying:

"The teens going on television to agitate for gun control after the Parkland shooting make the case, not for lowering the voting age, but for raising it."

Taking Tracinski's position into consideration, it's not a leap to suggest that the Republican Party is afraid of younger voters who are not inclined to vote for antiquated ideologies that fail to address increasing the minimum wage, implementing common sense gun legislation, bolstering health care coverage, addressing climate change and more.

"Unless this language represents some kind of error in drafting, and I seriously think it does not at this point, this represents the greatest single act of mass disenfranchisement in the modern history of the State of Pennsylvania. It's that wide-



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ranging,” said Kurz. “You’re talking about revoking the voting rights of millions, in an absolutely relentless power grab.”

Governor Tom Wolf filed a **lawsuit** Thursday to contest SB106 and address the attack on reproductive rights.

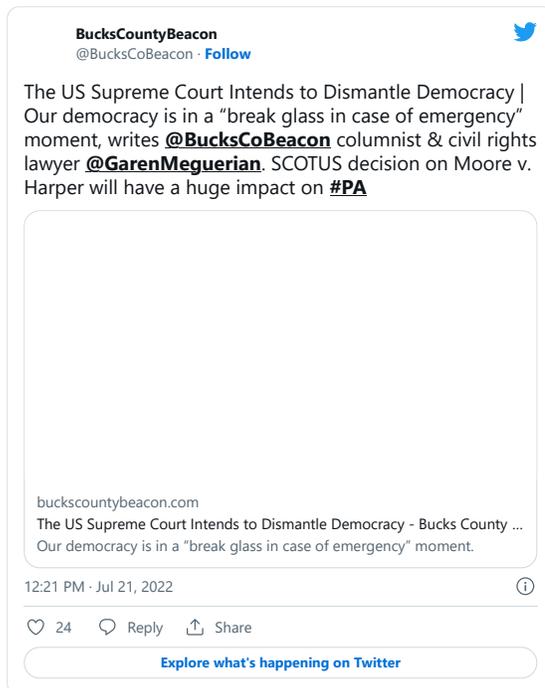
In addition to protecting a woman’s right to choose, the governor’s **press release** regarding the legal filing also stated:

“Further, the governor asserted that the multiple, unrelated amendments packaged as a single joint resolution are unconstitutional because the General Assembly pushed the proposed amendments forward without allowing each proposed amendment to be voted upon separately.”

Wolf’s lawsuit will not end the Republicans’ attempt to take Pennsylvania back to the 1950s.

“By present standards, the wording (of SB106) would violate the Federal Constitution, but many Republicans are hoping that the U.S. Supreme Court will reverse decades of voting rights decisions in favor of state regulations,” Kurz added. “Regardless, it is a breathtaking act of arrogance, worthy of comparison with the legislative acts that took away voting rights from millions when Apartheid was first implemented in South Africa. Young people deserve answers, now.”

Professor Kurz is right. The Supreme Court has agreed to hear arguments in **Moore v. Harper** later this year with a decision expected about a year from now in the summer of 2023. Should SCOTUS rule in favor of Moore, state legislatures – not state officials or courts – will have control over elections.



From this vantage point it would appear that the Republicans are laying groundwork with SB106 in preparation of a ruling that would toss the control of elections to state legislatures.

The timing would be paramount for determining the outcome of the 2024 presidential election.

Mark Pinsley, the Democratic Senate candidate for Pennsylvania’s 16th District, and the current Controller for Lehigh County, also expressed concerns regarding the language in SB106.

“I believe they are laying the groundwork for SB106 to become a trigger law in the same way many states were triggered by Roe versus Wade.” said Pinsley. “The goal is to immediately diminish the number of democratic voters.”

Quite possibly the remedy to the SB106 voting age issue is for 18 and 19 year olds in Pennsylvania to register and vote in the upcoming November election for candidates who support democracy, especially since youth voter registration has fallen since 2018.

To register to vote, or to check your registration, click here.

Like Sign Up to see what your friends like.



Jenny Stephens

Jenny Stephens is a freelance journalist who has written for a variety of publications, including The Reporter. An avid collector of all things vintage, she resides in Lansdale, PA.

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EXHIBIT E



JULY 8, 2022

Big, bad news: PA Senate changing state's Constitution to strip us of abortion and voting rights!

Late last night, Republicans in the PA State Senate changed the senate rules to pass a bill to amend our State Constitution to add language that states explicitly that it DOES NOT guarantee any rights relating to abortion or public funding of abortions.

AND THERE'S MORE: The package of proposed amendments would also **require voters to show ID at polling places**, have gubernatorial candidates choose their own running mates, and shift responsibility and oversight of election audits from counties to the Auditor General. It would also change the voting age, alter residency requirements, and more to disrupt election eligibility.

See the details below:

SUMMARY OF SB 106

ABORTION: Denies state right to abortion or abortion funding in PA

- SB 106 would deny the right to abortion care in Pennsylvania—even in cases of rape, incest, or life-threatening conditions—if federal protections are weakened or overturned.
- SB 106 also proposes to amend into the state constitution language that copies an existing law prohibiting public insurance coverage of abortion care.
- If approved by PA voters, SB 106 would preempt any state court from protecting abortion care in the absence of federal protections.

VOTER ID: Requires voters to present “valid identification” prior to voting, regardless of the voting method.



- Require that all voters must present “valid identification” regardless of voting method.
- Define valid identification as “any unexpired government-issued identification, unless otherwise authorized by statute.”
- If a voter does not have “valid identification,” the voter must request and be furnished with a government-issued Identification at no cost to the voter.

ELECTION AUDITS: Shifts responsibility and oversight of election audits from counties to the Auditor General.

- SB 106 would add a new section to Article VII, Section 15 (Election audits) to require the General Assembly to provide for the auditing of elections via statute, which must include audits of:
 - Administration of elections
 - Certification of election machines
 - Accuracy of the registered voters list
 - Administration of voter registration
 - Election results
- SB 106 would require the Auditor General to conduct the audits. In years when the Auditor General stands for election to any office, an independent auditor will conduct the audit.

ELECTION ELIGIBILITY: Makes technical changes to voting age and residency requirements.

- SB 106 would amend Article VII, Section 1 (Qualifications of electors) to:
- Change the voting age from 21 to 18 to comply with federal constitutional and statutory law.
- Change the residency requirement for living in the state from 90 days to 30 days to comply with federal and state statutory law
- Change the residency requirement for living in the election district from 60 days to 30 days to comply with federal and state statutory law.
- Change the time that a voter can vote in a prior election district after moving to another district from 60 to 30 days. In other words, if a voter moves within 30 days of an election, they could still vote in their old district.

EXECUTIVE ORDERS: Imposes a 21-day limit on executive orders.

- SB 106 would add a new section to Article IV (The Executive) to limit the duration of an



EXECUTIVE REGULATION: Allows the legislature to reject executive-level regulations.

- SB 106 would amend Article III, Section 9 (Action on concurrent orders and resolutions) to provide a new exception to traditional legislative procedure by allowing the General Assembly to disapprove of an executive regulation without needing the Governor's approval.
- Currently, Article III, Section 9 establishes a general rule that all orders, resolutions or votes requiring approval by both the House of Representatives and Senate must be presented to the Governor for approval or veto. Resolutions for the adjournment of the General Assembly and disaster declarations are exempted from this process. If the order, resolution or vote is approved by the Governor, it becomes law. If the Governor vetoes the resolution, it does not become law unless two-thirds of the House and Senate vote to override the veto. SB 106 would create an additional exception to this procedure, which would remove veto power from the Governor if/when the legislature rejects a regulation issued by the Governor or an executive-level agency.

LIEUTENANT GOVERNOR: Changes the selection process for the Lt. Governor.

- Currently, the Lieutenant Governor of Pennsylvania is elected separately from the Governor.
- SB 106 would amend Article IV, Section 4 (Lieutenant Governor) of the Constitution to require each candidate for Governor, upon winning the nomination of the candidate's party, to choose a candidate for Lieutenant Governor no later than 90 days before the general gubernatorial election. Candidates for Lt. Governor would be subject to approval of the candidate's political party.
- SB 106 would prohibit a candidate from seeking election to both offices of Governor and Lieutenant Governor simultaneously.
- This process would be similar to how candidates for Vice President are selected and appear on the ballot.





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EXHIBIT F

https://www.collegian.psu.edu/news/we-cannot-leave-our-state-vulnerable-to-future-attempts-to-revoke-our-rights-and-freedoms/article_766a994c-48de-11ed-abc7-1f1c863514cf.html

'We cannot leave our state vulnerable to future attempts to revoke our rights and freedoms' | Centre County leaders assemble to challenge Pennsylvania Senate Bill 106

Jenna Meleedy | The Daily Collegian
Oct 10, 2022



Paul Takac for State Representative denounces Senate Bill 106 outside the State College Municipal Building in State College, Pa. on Monday, Oct. 10, 2022.

Nick Eickhoff

Centre County leaders stood together outside of the State College Borough Municipal Building today to denounce Senate Bill 106, which would amend Pennsylvania's constitution to restrict access to abortion.

Pennsylvania State Representative candidate Paul Takac said SB 106 was a “terrible package of proposals.”

“[These are] proposals that could have the ultimate result of stealing away hard-earned rights from Pennsylvanians,” Takac said. “[I] have vowed to vote against SB 106 if it comes up again for a vote in the legislature next session.”

If passed, Senate Bill 106 will make amendments to the Constitution of the Commonwealth of Pennsylvania providing “no constitutional right to taxpayer-funded abortion or other right relating to abortion.”

It would also raise the voting age from 18 to 21 and invoke residency requirement to vote from 30 to 90 days preceding the election.

Candidates running for Lieutenant Governor would be nominated by each political party and voters would have additional voter identification, according to the Pennsylvania General Assembly.



Paul Takac for State Representative denounces Senate Bill 106 outside the State College Municipal Building in State College, Pa. on Monday, Oct. 10, 2022.

Nick Eickhoff

“The Republican-controlled legislature, frustrated that they could not pass their extremist agenda, has used the amendment process as a go-around to the executive branch. This wreaks havoc with the balance of powers we’re supposed to have in our government,” Takac said. “We cannot leave our state vulnerable to future attempts to revoke our rights and freedoms.”

Joined by Centre County Commissioner Michael Pipe and Ferguson Township Supervisor Jeremie Thompson, Takac spoke on how the state’s “flawed” legislative process leads to unpopular proposals being “[jammed] down the throats of Pennsylvanians.”

To alter Pennsylvania’s constitution, both houses of the general assembly must pass an amendment in consecutive legislative sessions by a simple majority. After that, the proposed amendment must get a majority agreement from voters to go in effect.

This is a “lower hurdle” than the federal system of altering the Constitution of the United States and should be made “harder” to change, Takac said.

“Our constitutions are supposed to be sacred — they lay the foundations of our democracy. They are not meant to be easily altered and weaponized against those who oppose the powers seeking to revoke basic, fundamental democratic and personal rights,” Takac said. “It’s important that we defeat SB 106, but it is also important that we prevent the next SB 106 from threatening our liberties and freedoms.”



Centre County Commissioner Michael Pipe denounces Senate Bill 106 outside the State College Municipal Building in State College, Pa. on Monday, Oct. 10, 2022.

Nick Eickhoff

Takac addressed questions from the audience about the restrictions on abortions the bill presents.

“I believe fundamentally there are a lot of reasons a person may want to seek abortion care, but at the end of the day, that is a decision that should be made between that person and their healthcare provider, not that person and their legislator,” he said. “I would absolutely oppose that portion of [the bill].”

Thompson said the bill “disenfranchises” young voters by expanding the 30-day residency requirement to 90 days, raising the voting age from 18 to 21 and creating an additional voter ID requirement.

“Currently voters already need ID to show up to a polling place,” Thompson said. “They continue to have concerns about this voter fraud, but legal experts — including those within the Trump administration — have shown that voter fraud's virtually non-existent.”

Thompson described how the bill “undermines” the checks and balances of the government and “reinforces the lack of trust” in the county and state election administration.

“[It] aims to take the power away from actual election officials and place that power under the authority of other agents,” Thompson said.



Ferguson Township Supervisor Jeremie Thompson denounces Senate Bill 106 outside the State College Municipal Building in State College, Pa. on Monday, Oct. 10, 2022.

Nick Eickhoff

The bill, according to Thompson, takes power away from people who wish to run for Lieutenant Governor of Pennsylvania and gives it to political parties, who would be responsible for nomination should the bill be passed.

Pipe said democracy is “under assault” now more than ever.

“We are seeing an erosion of the fundamental right to cast a ballot freely in this society,” he said. “In this society we should be encouraging people to get involved — principally young people. We have excited, young people who want to get involved, make their voices heard and have an effect on local, county and state government.”

Pipe said legislators who want to “take away rights” use confusion through “vague-sounding” names and “flooding the zone” through compounding amendments in bills.

“We’re standing up today, we need to protect every vote — make sure that people 18 or older know that they can cast a vote in this election,” Pipe said. “We want to encourage more people to vote, not less.”

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Democratic candidate for 82nd Pennsylvania House District Paul Takac 'fights [to] make voting easier, not harder'

Jenna Meleedy

Jenna Meleedy is a politics reporter for The Daily Collegian. She is a sophomore studying media studies and communication arts and sciences.